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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,081	02/14/2001	Todd C. Snelgrove	024944-134	9824

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EXAMINER
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FISHER, MICHAEL J

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/782,081

**Applicant(s)**

SNELGROVE, TODD C.

**Examiner**

Michael J Fisher

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 12 is objected to under 37 CFR 1.75(c) as being improperly dependent. Specifically, claim 12, as written, should be in independent form as it is a different invention in that it is a product that performs the process as claimed in claim 7 and as such, should be re-written in properly independent form.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 6,173,210 to Bjornson et al. (Bjornson).

As to claims 1 and 7, Bjornson discloses a memory unit storing product specific data (claim 1, col 46, line 65), inputting means for plant specific data (claim 1, col 46,

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line 64, equipment profiles would be plant specific data as the equipment is in the plant), a processor for receiving the data (inherent in that it is entered into a database), the processor could be used to calculate this as it does calculations (claim 1, col 47, lines 7-18). Bjornson further discloses presenting the costs (569, as best seen in fig 24A)

Bjornson further teaches economic data associated with the seals (abstract, lines 30-33) Bjornson does not, however, teach using economic based data. It is very well known in the art to maximize profits by minimizing repair and replacement costs. Therefore, it would have been obvious to one of ordinary skill in the art to modify the system as taught by Bjornson to minimize repair and replacement costs to maximize profits. It would further be obvious to one of ordinary skill in the art to calculate savings as this would be necessary to know if there were any savings by using one seal over another.

As to claims 2 and 8, it would be inherent that the savings would be calculated using these parameters as they would show how often repairs are necessary.

As to claims 3 and 9, inherently, downtime of machines affects production and operating costs.

As to claims 4 and 10, these factors would affect energy use and therefore, would inherently be used to calculate the savings related to that.

As to claims 5 and 11, these factors would inherently be used to calculate total savings.

As to claim 6, Bjornson does not, however, disclose a network. It is very well known in the art to connect a computer to a network. Therefore, it would have been

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obvious to one of ordinary skill in the art to use a network so the sales force could access the data from the engineering force.

As to claim 12, as the process is done on a computer, it would inherently be computer loadable.

As to claim 13, there is product specific data (claim 1).

As to claim 14, Bjornson does not teach a plurality of interfaces. It would have been obvious to one of ordinary skill in the art to use a different database to calculate savings as this is distinct from choosing a seal.

As to claim 15, Bjornson discloses a link for each of a plurality of fields involving seals and bearings (fig 2C contains various databases related to seals and bearings).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Fisher whose telephone number is 703-306-5993. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.


The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael J. Fisher



Patent Examiner GAU 3629

MF   
3/21/05